THE HON'BLE SRI JUSTICE RAMESH

RANGANATHAN

W.P.No. 3657 OF 1997

DATE: 24-12007

Between:

Pokuru Milk Producers Cooperative Society
Limited rep. By its President Sri Athoda Adinarayana,
Pokuru, Prakasam Dist
... Petitioner

And

1. P.Lakshminarayana and another ....

Respondents

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O R D E R:

Before the Labour Court, Guntur, the petitioner herein filed I.A.529 of 1995 requesting that an issue be framed as to whether the services of the 1st respondent were illegally terminated on 1.2.1992. The respondent – workman filed a Memo requesting the Court to post the main I.D. for arguments. The workman pleaded that no enquiry was conducted whereas the employer had stated that an enquiry was in fact held. Neither the workman nor the employer adduced oral evidence before the Labour Court. The Labour Court dismissed I.A.529 of 1995 filed by the petitioner with a direction that they shall let in evidence first to prove the misconduct said to have been committed by the workman and then only the workman was to be given an opportunity to adduce contra evidence, and, if the management reported no evidence, then the matter be posted for arguments.

The Order under challenge in this Writ Petition is an interlocutory order of the Tribunal. It is well settled that this court, in exercise of its extra-ordinary jurisdiction under Article 226 of the Constitution of India, would, ordinarily, not interfere with such interlocutory orders, more so at the instance of the Employer since the workman can ill-afford the luxury of

protracted litigation. Further, in the order impugned in this writ petition, the Labour Court has given an opportunity to the petitioner herein to adduce evidence to prove the misconduct of the respondent workman. No prejudice can, therefore, be said to have been caused to him.

Sri M.Panduranga Rao, learned counsel for the petitioner, would submit that the 1st respondent is a paid secretary and is not a workman under Section 2(s) of the Industrial Disputes Act, 1947. Since the Labour Court has permitted the petitioner to adduce evidence, it is open to the petitioner to adduce evidence in accordance with the directions of the Labour Court and raise all such contentions as are available to them in law. The discretion exercised by the Labour Court, in dismissing I.A.529 of 1995 in I.D.192 of 1993 while permitting the petitioner herein to adduce evidence, does not necessitate interference in proceedings under Article 226 of the Constitution of India.

Subject to the above observations, the writ petition fails and is accordingly dismissed. No order as to costs.

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24-1-2007

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